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8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA
10 SAN FRANCISCO
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12 **IN RE GOOGLE PLAY STORE**
13 **ANTITRUST LITIGATION**

14 THIS DOCUMENT RELATES TO:

15 *Epic Games, Inc. v. Google LLC et al.*,
16 Case No. 3:20-cv-05671-JD
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Case No. 3:21-md-02981-JD

DECLARATION OF RUSSELL COHEN
IN SUPPORT OF NON-PARTY TIKTOK
INC.'S MOTION TO SEAL HIGHLY
CONFIDENTIAL INFORMATION

Honorable James Donato

1 I, Russell Cohen, declare as follows:

2 1. I am a partner at the law firm of Dechert LLP, counsel for non-party TikTok Inc.
3 (“TikTok”). I am licensed to practice law in the State of California, and I am admitted to the
4 Northern District of California. I make this declaration in support of TikTok’s Motion to Seal
5 Highly Confidential Information. This Declaration is based on my personal knowledge.

6 2. On November 7, 2023, TikTok filed a motion to seal a limited portion of Exhibit
7 2698 after TikTok received notice from Google LLC’s (“Google”) counsel that Google intended to
8 disclose certain non-public information related to TikTok revenue derived from the Google Play
9 Store in open court.

10 3. Late that evening, counsel for Epic Games (“Epic”) contacted me in an effort to
11 resolve TikTok’s motion. Epic’s counsel represented that they would not reference the portion of
12 Exhibit 2698 that was the subject of TikTok’s motion in open court, that TikTok would have an
13 opportunity to renew its motion before Exhibit 2698 was made public and that Epic would not
14 oppose any such renewed motion.

15 4. On November 8, 2023, I attended trial to confirm with counsel for both Epic and
16 Google that the highly sensitive financial data contained in Exhibit 2698 at -052 would not be
17 disclosed in open court. Based on representations from counsel for both Epic and Google, TikTok
18 withdrew its motion to seal on November 8, 2023. TikTok reserved its rights to seek to seal Exhibit
19 2698 at -052 once the exhibit was admitted into evidence and before it was made public. On
20 November 8, 2023, Exhibit 2698 was admitted into evidence during the afternoon session.

21 5. On December 5, 2023, I contacted counsel for Epic and Google to request that they
22 stipulate to TikTok’s requested relief or agree not to oppose it. To date, I have not received a
23 response.

24 6. Following the jury verdict on December 11, 2023, and before any trial exhibits are
25 made public, TikTok renews its motion to seal and respectfully requests that Exhibit 2698 at -052
26 be redacted from the public record because the exhibit contains detailed financial information that
27 would harm TikTok if publicly disclosed, as further explained in the previously filed declaration
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1 of Warren Solow (Dkt No. 748-1) and the motion filed herewith.

2 I declare under penalty of perjury under the laws of the United States of America that the
3 foregoing is true and correct to the best of my knowledge.

4 Executed on: December 12, 2023

/s/ Russell Cohen

Russell Cohen